statements made in the same connection." See also, GREENLEAF, EVIDENCE, § 216; WHARTON, CRIMINAL EVIDENCE, § 626. Exculpatory statements made by an accused in connection with a confession are admissible with the confession. In fact, the whole of a confession must be taken together, so that the person making the statement may have the benefit of all qualifying and exculpatory statements therein. GREENLEAF, EVIDENCE, § 218; *State* v. *McDonnell,* 32 Vt. 491; *Morehead* v. *State,* 34 Ohio St. 212; *Corbett* v. *State,* 31 Ala. 329. But this does not reduce a confession to an admission, *State* v. *Porter,* supra. The jury is not obliged to accept a confession in its entirety but may reject such part as it believes to be untrue. *Parke* v. *State,* 48 Ala. 266; *State* v. *Novak,* 109 Iowa 717; *Commonwealth* v. *Hunton,* 168 Mass. 130; *Cook* v. *State,* 114 Ga. 523. Few cases are found wherein the term "confession" is more explicity defined than by Greenleaf, § 170; the courts usually adopting his definition without further elucidation. Few cases as well exclude exculpatory matter from the confession, or rather refuse to charge upon or submit a confession as such because of the exculpatory matter therein, but submit the whole to the jury leaving the weight thereof to the jury where it properly belongs. Here the accused confessed the crime but sought to excuse herself by alleging necessity. This was for the jury and, we believe, should have been submitted. In the principal case a vigorous dissenting opinion was filed.

EVIDENCE—LETTERS OF ADMINISTRATION—HOW FAR EVIDENCE OF WIDOWHOOD.—Plaintiff's husband was killed in a wreck caused by the alleged negligence of a street railway company, and plaintiff, as widow of deceased, was appointed administratrix, and in that capacity brings an action for the death of the deceased against defendants as receivers of the street railway company. Defendants claimed that plaintiff was not the lawful wife of the deceased and therefore not entitled to damages under the statute and offered to show that deceased had a lawful wife living other than plaintiff. This evidence was excluded at the trial as immaterial. *Held,* that such exclusion was error. *Phillips* v. *Heraty et al.* (1904), — Mich. —, 100 N. W. Rep. 186.

The claim has been made that letters of administration are prima facie evidence of death and it was so held in *Tisdale* v. *Connecticut Mutual Benefit Life Insurance Company,* 26 Iowa 170, 28 Iowa 12, but that such evidence is very weak and may be rebutted by slight evidence. On the same state of facts with the same plaintiff the United States Supreme Court held in *Mutual Benefit Life Insurance Company* v. *Tisdale,* 91 U. S. 238, that the granting of letters of administration afforded no legal evidence of death. The latter holding seems to be the correct one, for if otherwise it would open up an avenue of fraud in connection with life insurance policies that would be startling in its possible consequences. It would be easy to procure a policy for a large sum. In a year or two the person insured could disappear. Then letters of administration can be procured and the case is made. Similar unfortunate consequences will result in holding that granting letters of administration is conclusive evidence of widowhood. It might defeat the rights of heirs and the lawful widow and would be an easy way to forestall a prosecution for

bigamy. Counsel for plaintiff relies on *James* v. *Emmet Mining Co.*, 55 Mich. 347, as sustaining his position; the facts were similar to the principal case but the point decided was that the letters of administration were conclusive evidence of plaintiff's right to appear as plaintiff. But in the principal case counsel contended that said letters were conclusive also as to the fact of plaintiff being the lawful widow of the deceased at the time of his death and hence entitled to pecuniary compensation under the statute. Carpenter and Moore, JJ., dissent.

EVIDENCE—PERSONAL INJURY—PHYSICAL EXAMINATION OF PLAINTIFF.—Plaintiff while driving over tracks of defendant company's railroad was violently thrown to the ground and sustained serious injuries by reason of alleged negligence of defendant in constructing or maintaining a frog or guardrail to its tracks. The lower court refused to compel the plaintiff to submit to a physical examination to determine the extent of his injuries. *Held,* no error. *International and Great Northern R. Co.* v. *Butcher* (1904), — Texas Civ. App. —, 81 S. W. Rep. 819.

The question here involved is of comparatively recent origin, but since first presented in 1868 it has been passed upon by a great number of the state courts and the point has been squarely met and passed upon by the Supreme Court of the United States in *Union Pacific Ry. Co.* v. *Botsford,* 141 U. S. 250. This case supports the doctrine as laid down by the principal case, and is followed in Illinois, Texas, Oklahoma, and possibly Massachusetts. *Parker* v. *Enslow,* 102 Ill. 272; *P. D. & E. Ry. Co.* v. *Rice,* 144 Ill. 232; *Austin & N. W. Ry. Co.* v. *Cluck* (1904), — Texas Civ. App. —, 77 S. W. Rep. 403; *City of Kingfisher* v. *Altizer* (1903), — Okla. —, 77 Pac. Rep. 107; *Stack* v. *N. Y., N. H. & Hartford R. Co.,* 177 Mass. 155. But the great weight of authority is to the contrary. *King* v. *State,* 100 Ala. 85; *City of South Bend* v. *Turner,* 156 Ind. 418; *Belt Electric Line* v. *Allen,* 102 Ky. 551; *Graves* v. *Battle Creek,* 95 Mich. 266; *Wanek* v. *City of Winona,* 78 Minn. 98. The need of such evidence as may be thus afforded is most urgent and most common in actions for personal injuries. GREENLEAF, EVIDENCE, § 469m, and cases cited. The doctrine rests upon the principle that justice is the object of judicial investigations, and that courts charged with its administration, as a necessary means of obtaining that end have inherent power to require the production of the most infallible evidence. *City of South Bend* v. *Turner,* 156 Ind. 418; *Brown* v. *C. M. & St. P. Ry. Co.* (1903), — N. D. —, 95 N. W. Rep. 153; 31 AM. & ENG. R. R. CASES, p. 783; *Lane* v. *Spokane Falls & Northern Ry. Co.,* 21 Wash. 119; THOMPSON, TRIALS, § 859; Brewer, J. dissenting in *U. P. Ry Co.* v. *Botsford,* supra. The right is not absolute but rests in the sound discretion of the court who will carefully exercise it; but in cases of manifest abuse an appeal will lie for its review. The order should be made whenever it fairly appears that justice requires the disclosure. *Louisville Ry. Co.* v. *Hartledge* (1903), — Ky. —, 74 S. W. Rep. 742; *A. T. & S. F. Ry. Co.* v. *Palmore* (1904), — Kan. —, 75 Pac. 509, 64 L. R. A. 90. On the subject generally, see 1 MICHIGAN LAW REVIEW, pp. 193, 277; also 2 Id., p. 321.